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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARINA DISTRICT DEVELOPMENT
COMPANY, LLC d/b/a BORGATA HOTEL
CASINO & SPA, a New Jersey limited
liability company,

Plaintiff,

v.

WILLIAM CALLAHAN, an individual; and
KELLY ASHMAN BURKE, an individual,

Defendants.

Case No.: 2:20-cv-01592-GMN-BNW

**STIPULATION FOR DISMISSAL WITH
PREJUDICE**

1 WHEREAS, Plaintiff Marina District Development Company, LLC (“Borgata”) filed the
2 above-captioned against Defendants AC Ocean Walk, LLC (“Ocean”), William Callahan, and
3 Kelly Ashman Burke on August 27, 2020;

4 WHEREAS, on October 7, 2020, the Court compelled Borgata’s claims against Callahan
5 and Burke to arbitration and stayed proceedings in this Court pending arbitration;

6 WHEREAS, on October 13, 2020, the Court entered a preliminary injunction against
7 Callahan and Burke;

8 WHEREAS, on October 27, 2020, Borgata posted a supersedeas bond in the amount of
9 \$50,000 in support of that preliminary injunction;

10 WHEREAS, for the convenience of the parties and in the interest of justice, on February 25,
11 2021, the Court severed Borgata’s claims against Ocean and transferred them to the District of New
12 Jersey, leaving only Callahan and Burke as defendants in this Court;

13 WHEREAS, on April 24, 2021, the parties amicably resolved their disputes in a global
14 settlement agreement, provided, however, that this Court retain jurisdiction to enforce the
15 agreement and resolve disputes between Borgata and Callahan or Burke arising from or related to
16 the agreement;

17 NOW THEREFORE, Plaintiff Borgata and Defendants Callahan and Burke, by and through
18 their respective counsel of record, hereby stipulate as follows:

- 19 1. This case and the parties’ claims therein shall be dismissed with prejudice.
- 20 2. The preliminary injunction entered against Callahan and Burke, ECF 91, shall be
21 dissolved.
- 22 3. The supersedeas bond posted by Borgata, ECF 110, shall be returned to it.
- 23 4. The parties shall bear their own attorneys’ fees and costs.
- 24 5. This Court shall retain jurisdiction to enforce the settlement agreement and resolve
25 disputes between Borgata and Callahan or Burke arising from or related to that agreement.

1 DATED: May 4, 2021

JACKSON LEWIS P.C.

2 /s/ Paul T. Trimmer

3 PAUL T. TRIMMER

4 *Attorneys for Plaintiff*

Marina District Development

5 *Company, LLC d/b/a Borgata Hotel Casino & Spa*

6 DATED: May 4, 2021

BLANK ROME LLP

7 /s/ Leigh Ann Buziak

8 LEIGH ANN BUZIAK (*Pro Hac Vice*)

9 *Attorneys for Defendants*

10 *William Callahan and Kelly Ashman Burke*

11
12 **ORDER**

13 Good cause appearing, the Court orders as follows:

14 1. This case (Case No. 2:20-cv-01592-GMN-BNW) and the parties' claims therein are
15 dismissed with prejudice.

16 2. The preliminary injunction entered against Callahan and Burke, ECF 91, is
17 dissolved.

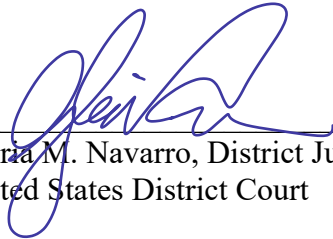
18 3. The supersedeas bond posted by Borgata, ECF 110, shall be returned to it forthwith.

19 4. The parties shall bear their own attorneys' fees and costs.

20 5. This Court shall retain jurisdiction to enforce the settlement agreement and resolve
21 disputes between Borgata and Callahan or Burke arising from or related to that agreement.

22 **IT IS SO ORDERED:**

23
24 Dated this 4 day of May, 2021

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Gloria M. Navarro, District Judge
United States District Court